

## REMARKS

Claims 2-3, 5, 9-17, and 20 have been cancelled. Claims 1, 6, 8, 18-19, and 21-25 have been amended to clarify the subject matter regarded as the invention. Claims 1, 4, 6-8, 18-19, and 21-25 are pending. Additionally, claim 6 has been amended to correct a typographical error.

The Examiner has rejected claims 1, 8, and 19 under 35 U.S.C. §112 second paragraph, stating that in the language “determined at least in part by an order,” what is meant by “in part” is unclear. The rejection is respectfully traversed. A person having ordinary skill in the art would understand that one factor included in the determination of in which order the “real-time operation updates the first copied file and the second copied file” is “an order in which changes were made to the first file and the second file, respectively, as stored in the first data storage” as recited in those claims.

The Examiner has rejected claims 1, 8, and 19 under 35 U.S.C. §112, indicating that the terms “synchronization type of command” and “dynamic replication type of command” appear only in the claims. It is noted that “synchronization type of command” and “dynamic replication type of command” do not appear in those claims. However, claims 18 and 25 in which those terms do appear have been amended in a manner believed to overcome the Examiner’s rejection.

The Examiner has rejected claim 18 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claim 18 has been amended in a manner believed to overcome that objection.

The Examiner has rejected claims 1, 4, 6-8, 18-19, and 21-25 under 35 U.S.C. §102(e) as being anticipated by Midgley et al. (US 2003/0074378). That rejection is respectfully traversed. Midgley describes a system that includes a “synchronization replication process” that “replicates selected source data files” and a “dynamic replication process that includes a plurality of agents, each of which monitors file access operations for a server on the network to detect and capture, at the byte-level, changes to the source data files.” (Midgley at 0008.) Midgley uses a single process to synchronize data and another process to dynamically replicate changes made to the data being synchronized. Midgley does not describe a synchronization operation using “a first processing thread to copy a first file from a first data storage to a second data storage using a **first connection**, and a second processing thread to copy a second file from the first data storage

to the second data storage **using a second connection,**” and a separate “real-time replication operation” that “updates the first copied file and the second copied file in an order determined at least in part by an order in which changes were made to the first file and the second file” as described in amended Claim 1. Therefore Claim 1 is believed to be allowable.

Claims 4, 6, and 7 depend from claim 1 and are believed to be allowable for the same reasons described above.

Claim 8 recites limitations similar to Claim 1 and is believed to be allowable for the reasons described above.

With respect to Claim 18, the Examiner has suggested that Midgley (at 0050 and 0058) discloses a main thread that can process a synchronization command and a dynamic replication command, and a synchronization thread that can process the synchronization command but not the dynamic replication command wherein the synchronization thread is configured to process a synchronization command substantially concurrently with the processing by the main thread of a synchronization command and to not process a synchronization command at a time when the main thread is processing a dynamic replication command. That rejection is respectfully traversed. Midgley describes a synchronization replication process and dynamic replication process operating in parallel. Midgley does not describe a single process that can accomplish both synchronization replication and dynamic replication, nor does Midgley describe a process that selectively does or does not perform a synchronization command depending on whether another process is performing a dynamic replication command. Claim 18 is therefore believed to be allowable.

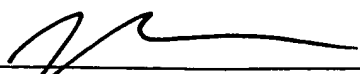
Claims 21-25 depend from claim 18 and are believed to be allowable for the reasons described above.

Claim 19 recites limitations similar to Claim 1 and is believed to be allowable for the reasons described above.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

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